

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to Figure 14 wherein reference character 44 has been changed to 44'.

## **REMARKS**

### **I. Status of the Claims**

Claims 1 through 13 have been canceled without prejudice or disclaimer and new claims 14-38 are presented herein. Upon entering this amendment, claims 14-38 will be pending. Support for these new claims can be found in the specification and original claims 1 through 13. Therefore, no issue of new matter is raised. Accordingly, Applicants respectfully request examination of this application and timely allowance of the pending claims.

### **II. Rejection Under 35 U.S.C. § 112, first paragraph**

The Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph because, the Examiner stated, the limitation "said second conveyor" did not have sufficient antecedent basis. Office Action at page 2. Claim 1 has been cancelled and, therefore, this ground of rejection is now moot.

### **III. Rejections Under 35 U.S.C. § 103**

The Examiner has rejected (1) claims 1-5, and 10-12 as being unpatentable over the Kornylak Universal Power conveyor brochure ("Kornylak UPC") in view of Myron (U.S. Patent No. 4,164,338) and (2) claims 5-9 as being unpatentable over Kornylak UPC and Myron as applied to claim 1 above, and further in view of McWilliams (U.S. Patent No. 3,885,682). Office Action at pages 3-4. As these claims have been cancelled, this ground of rejection has been rendered moot.

Additionally, Applicant respectfully submits that new claims 14-38 are patentable over the prior art advanced by the Examiner. As an initial matter, Applicant respectfully asserts that the use of the Kornylak Universal Power Conveyor ("Kornylak UPC") reference as prior art is improper. No representation that this reference was prior art to

the present application was made when Applicant cited it in the Information Disclosure Statement filed on November 25, 2003 and the Examiner has not established that this reference is prior art to this application as is he is required to do . See M.P.E.P. § 706.02(a) at 700-22 (“[T]he Examiner *must* determine the issue or publication date of the reference so that a proper comparison between the application and reference dates can be made.”).

Moreover, Applicants respectfully submit that, even if the Kornylak UPC reference was properly established as prior art, the Examiner can not meet his initial burden of proof for setting forth a prima facie case of obviousness. At a minimum, the Examiner can not make the requisite showing, as is required by M.P.E.P. § 2142, that there is some suggestion or motivation to modify the references or to combine the reference teachings.

Applicant respectfully submits that the combination of features claimed in the present invention is not found in the prior art advanced by the Examiner. Neither Kornylak UPC nor McWilliams disclose or suggest a ground apparatus for loading and unloading an aircraft, said apparatus comprising a segmented conveyor comprising a connected succession of conveyor units and constructed for storing said conveyor in a folded configuration wherein at least one portion of said conveyor is positioned over at least one other portion of said conveyor when the succession of conveyor units is in a retracted position. Although Myron teaches a connected succession of un-driven roller conveyor units which may be folded wherein at least one portion of said conveyor is positioned over at least one other portion of said conveyor, there is no motivation to combine Kornylak PL with the flexible rail roller system of Myron.

The Examiner's rejection in the Office Action states that:

It would have been obvious to one of ordinary skill in the art, at the time of the invention to store the device taught by Kornylak UPC in the manner taught by Myron in order to allow the conveyor to be stored in a space that is only half the length of the conveyor, thereby allowing a longer conveyor to be used with a shorter fixed conveyor.

Office Action at page 3.

The Examiner has not shown, however, why one skilled in the art would choose the specific flexible rail roller construction of Myron from the myriad of existing airplane cargo conveyors. Indeed, Myron does not even relate to a ground apparatus as does Kornylak and the present invention, but instead teaches a non-extendable conveyor equipment which provides for the movement of cargo *inside* an aircraft. See Myron Abstract.

Thus, for at least this reason, Applicant submits that independent new claim 14 is patentable over the cited prior art. The remaining claims are, therefore, patentable at least because of their dependency.

Accordingly, for at least these reasons, Applicant submit that the all the claims are in condition for allowance.

#### **IV. Conclusion**

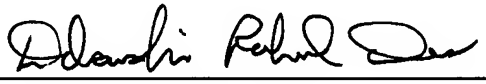
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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**Attachments:** Replacement sheet for Figures 13 and 14 of the drawings

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